

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Implementation of Section 304 of the)
Telecommunications Act of 1996)
)
Commercial Availability of)
Navigation Devices)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CS Docket No. 97-80

**OPPOSITION OF MOTOROLA
TO PETITIONS FOR RECONSIDERATION**

Motorola submits this Opposition to the Petitions for Reconsideration of the Report and Order in this docket¹ which were filed by Time Warner Entertainment Company, L.P. ("Time Warner"), The Wireless Communications Association International, Inc. ("WCA"), the Telecommunications Industry Association ("TIA"), and the National Cable Television Association, Inc. ("NCTA") (collectively, the "Petitioners").

Motorola believes that the Commission's Order properly balances the conflicting interests as expressed by comments received in the proceeding and reaches a decision which will promote competition in the provision of navigation devices, consistent with the letter and intent of Section 629 of the Communications Act of 1934.² The Petitioners' requests for reconsideration, on the other hand, would frustrate the pro-competitive purposes of Section 629 and should be denied.

The Order requires multichannel video programming distributors (MVPDs) to separate out security functions from non-security functions by July 1, 2000. An exception is made for navigation devices that operate throughout the continental United States and are commercially available from unaffiliated sources, which includes direct broadcast satellite ("DBS") providers. The selection of this date is premised on the conclusion that the interested parties will soon agree on relevant specifications, interfaces, and standards, thus permitting the manufacture and sale of

¹ *Implementation of Section 304 of the Telecommunications Act of 1996 – Commercial Availability of Navigation Devices*, CS Dkt. No. 97-80, FCC 98-116 (released June 24, 1998) ("Order").

² 47 U.S.C. § 549.

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navigation devices by unaffiliated sources. We agree with this conclusion.

As of January 1, 2005, MVPDs may not sell, lease or use new navigation devices that integrate security and non-security functions.³ We agree with the Commission that strong evidence in the record supports these requirements, and that the rules "will facilitate the development and commercial availability of navigation devices by permitting a larger measure of portability among them, increasing the market base and facilitating volume production and hence lower costs."⁴

A grant of the Petitioners' requests would be contrary to the purposes and intent of Section 629, because it would delay, if not defeat, the ultimate availability of a competitive market in navigation devices to the detriment of consumers. The unbundling of security and non-security functions will benefit consumers. As the Commission stated in its Order, the unbundling requirements will allow individual MVPDs to design equipment that meets their peculiar security needs "while still facilitating portability and the development of the consumer equipment market."⁵

We also urge the Commission to reaffirm the Order's unbundling requirements insofar as they apply to analog navigation devices. The Commission's rules in this area should be technology-neutral and should not distinguish between analog and digital devices. Motorola believes that the Commission has developed rules that are flexible and can be implemented successfully for either type of system.

In sum, the Commission has fulfilled its obligations under Section 629 in a reasonable manner that balances the interests of consumers with those of industry. The Commission's rules will benefit consumers and achieve the purposes of Section 629. The Commission should deny the Petitions for Reconsideration.

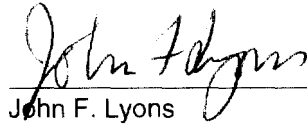
³ Order at ¶ 69.

⁴ *Id.* at ¶ 49.

⁵ *Id.* at ¶ 61.

Respectfully submitted,

Motorola, Inc

A handwritten signature in black ink, appearing to read "John F. Lyons", is written over a horizontal line.

John F. Lyons

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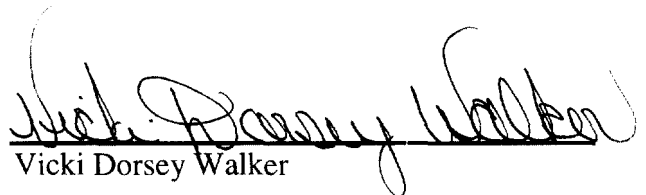
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